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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

OA No. 662 of 2010
Cuttack, this the 23rd day of August, 2012

Prashanna Ku Ghadei Applicant
Versus
Union of India & Others Respondents

O R D E R

CORAM

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER, (ADMN.)
And
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

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The prayer of the Applicant in this OA is to quash the letter under Annexure-A/3 and to direct the Respondents to appoint the applicant befitting his qualification, on compassionate ground by creating supernumerary post. Respondents filed their counter objecting to the prayer of the Applicant. Applicant has filed rejoinder. The Respondents have also filed reply to the rejoinder in which at paragraph 7 it has been stated that the case of the applicant has been considered along with other eligible candidates and as on date 08 applications are pending due to non-availability of vacancy under compassionate appointment quota. The case of the applicant can be considered along with seven other applicants as per rules as and when vacancy under compassionate quota is made available.

It is settled law that appointment on compassionate ground is subject to availability of vacancy under the quota meant for such appointment. In view of the above, question of directing the Respondents to appoint the applicant in preference to the others who might be more indigent, by creating supernumerary post does not arise. Hence after having heard learned counsel for

both sides this OA is disposed of with direction that in view of the undertaking furnished by the Respondents, the case of the applicant shall be considered along with others, in terms of the Rules, as and when vacancy arises under the compassionate appointment quota. No costs.


(A.K. Patnaik)
Member(Judicial)


(C.R. Mohapatra)
Member(Admn.)